

Title IX Protection Act

Congresswoman Jackie Speier

Supporting Groups: National Women's Law Center (NWLC), American Association of University Women (AAUW), Know Your IX, Futures Without Violence, Girls Inc., End Rape on Campus (EROC)

Summary:

The Title IX Protection Act codifies into law guidance released under the Obama, George W. Bush, and Clinton Administrations to provide clarity for schools and students regarding what schools are required to do under Title IX to prevent and respond to sexual harassment, including sexual violence. The bill is necessary because Secretary DeVos' recent actions allow schools to discriminate against survivors, contradict longstanding Department precedent, and have already caused confusion for schools and students.

The bill reiterates and codifies portions of the *2001 Guidance*, 2011 Dear Colleague Letter, and 2014 Question and Answers document to address these issues. For example:

- It codifies the use of the “preponderance of evidence” standard in Title IX grievance proceedings. (This is the same standard used in civil rights law, and in civil suits, even in civil suits that could be considered criminal in nature, such as wrongful death.)
- It also reiterates the need for adequate, reliable, and impartial investigations of complaints. This includes making sure the investigations are prompt and adhere to a 60-calendar day time frame.
- Furthermore, the bill reaffirms the rights of the survivor to confidentiality. It also clarifies the circumstances under which mediation and cross examination – which have been shown to be intimidating and retraumatizing for survivors – are not appropriate and offers alternatives.
- Finally, it reiterates the rights of both the complainant and respondent, such as if a school offers the right to appeal or access to counsel, it must do so for both parties.
- Additional provisions can be found in the text of the bill, but these are some of the most critical highlights.

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